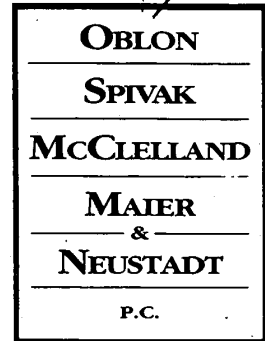




RECEIVED

OCT 11 2002

TECH CENTER 1600/2900



Docket No.: 0010-1108-0 CONT

ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, D.C. 20231

ATTORNEYS AT LAW

RE: Application Serial No. 09/577,005  
Applicant(s): Yoko ASAKURA et al  
Filing Date: May 25, 2000  
For: METHOD OF CONSTRUCTING AMINO ACID PRODUCING BACTERIAL  
STRAINS, AND METHOD OF PREPARING AMINO ACIDS BY FERMENTATION  
WITH THE CONSTRUCTED AMINO ACID PRODUCING BACTERIAL STRAINS  
Group: 1652  
Examiner: RAMIREZ

SIR:

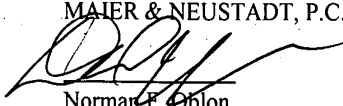
Attached hereto for filing are the following papers:

--PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a)  
w/Copies of Date-Stamped Filing Receipt, Continued Prosecution Application Transmittal; and Request  
for Extension of time filed on June 14, 2002

Our check in the amount of \$ \_\_\_ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Registration No. 24,618  
Attorney of Record

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



22850



RECEIVED  
OCT 11 2002  
TECH CENTER 1600/2900

0010-1108-0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#13

IN RE APPLICATION OF:

Yoko ASAKURA ET AL

: GROUP ART UNIT: 1652

SERIAL NO. 09/577,005

FILED: MAY 25, 2000

: EXAMINER: RAMIREZ

FOR: METHOD OF CONSTRUCTING AMINO ACID PRODUCING BACTERIAL STRAINS, AND METHOD OF PREPARING AMINO ACIDS BY FERMENTATION WITH THE CONSTRUCTED AMINO ACID PRODUCING BACTERIAL STRAINS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R.

1.181(a)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Notice of Abandonment mailed September 24, 2002,

Petitioners respectfully request that the holding of abandonment be withdrawn as improper.

The facts of this case are as follows.

The Office indicates that the application is abandoned for failure to reply to the Office Action of December 14, 2001.

On June 14, 2002, a Continued Prosecution Application and a request for a three month extension of time was filed along with the appropriate fees. Petitioners submit the following in support:

- (1) A copy of the Continued Prosecution Application Request Transmittal filed on June 14, 2002.

- (2) A copy of the Request for Extension of Time.
- (3) A copy of the date-stamped filing receipt that clearly demonstrates that these two Requests; and the check for \$1,660.00 was filed on June 14, 2002.

Petitioners submit that the Continued Prosecution Application request filed on June 14, 2002 fulfilled the requirements under 37 C.F.R. 1.53(d) and that the present application was filed on May 25, 2000 and therefore is a utility application filed before May 29, 2000, which is required by 37 C.F.R. 1.53(d)(1)(i).

In view of the foregoing, this petition should be GRANTED, and this application should be returned to active status.

Respectfully submitted

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No.: 45,518



22850

Phone 703-413-3000  
Facsimile: 703-413-2220



COPY

RECEIVED

OCT 11 2002

TECH CENTER 1600/2900

Dept.: CHEMICAL

By: NFO:DJP:jot

OSMM&N File No. 0010-1108-0 CONT

Serial No. 09/577,005

In the matter of the Application of: Yoko ASAKURA et al.

For: METHOD OF CONSTRUCTING AMINO ACID PRODUCING BACTERIAL STRAINS, AND METHOD OF PREPARING AMINO ACIDS BY FERMENTATION WITH THE CONSTRUCTED AMINO ACID PRODUCING BACTERIAL STRAINS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification      Claims/Formal Drawings      Sheets
- ☐ and      pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney      pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application Transmittal      ☒ CPA
- ☐ Notice of Priority      ☐ Priority Doc
- ☒ Check for \$1,660.00      ☒ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Formal Drawings      sheets      ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☐ Information Disclosure Statement      ☐ PTO-1449
- ☐ Cited References
- ☐ Search Report
- ☐ Statement of Relevancy
- ☐ IDS/Related/List of Related Cases
- ☐ Restriction Response      ☐ Cited Pending Applications
- ☐ Rule 132 Declaration
- ☐ Election Response
- ☒ Request for Extension of Time (three months)
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐

Due Date: June 14, 2002

